



Sen. William R. Haine

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09800SB1207sam003

LRB098 02583 KTG 43186 a

1 AMENDMENT TO SENATE BILL 1207

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1207 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is  
5 amended by changing Section 7.16 as follows:

6 (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

7 Sec. 7.16. For any investigation or appeal initiated on or  
8 after, or pending on July 1, 1998, the following time frames  
9 shall apply. Within 60 days after the notification of the  
10 completion of the Child Protective Service Unit investigation,  
11 determined by the date of the notification sent by the  
12 Department, the perpetrator named in the notification ~~a subject~~  
13 ~~of a report~~ may request the Department to amend the record or  
14 remove the record of the report from the register, except that  
15 the 60-day deadline for filing a request to amend the record or  
16 remove the record of the report from the State Central Register

1 shall be tolled until after the sentencing in any criminal  
2 court action or after adjudication in any juvenile court action  
3 concerning the circumstances that give rise to an indicated  
4 report. Such request shall be in writing and directed to such  
5 person as the Department designates in the notification letter  
6 notifying the perpetrator of the indicated finding. The  
7 perpetrator ~~If the Department disregards any request to do so~~  
8 ~~or does not act within 10 days, the subject~~ shall have the  
9 right to a timely hearing within the Department to determine  
10 whether the record of the report should be amended or removed  
11 on the grounds that it is inaccurate or it is being maintained  
12 in a manner inconsistent with this Act, except that there shall  
13 be no such right to a hearing on the ground of the report's  
14 inaccuracy if there has been a court finding of child abuse or  
15 neglect or a criminal finding of guilt as to the perpetrator. ~~7~~  
16 ~~the report's accuracy being conclusively presumed on such~~  
17 ~~finding.~~ Such hearing shall be held within a reasonable time  
18 after the perpetrator's ~~subject's~~ request and at a reasonable  
19 place and hour. The appropriate Child Protective Service Unit  
20 shall be given notice of the hearing. If the minor, who is the  
21 subject of an action under Article II of the Juvenile Court Act  
22 of 1987, is also the victim named in the report sought to be  
23 amended or removed from the State Central Register, the minor  
24 shall, through the minor's attorney or guardian ad litem  
25 appointed under Section 2-17 of the Juvenile Court Act of 1987,  
26 have the right to participate and be heard in such hearing as

1 defined under Department rules. In such hearings, the burden of  
2 proving the accuracy and consistency of the record shall be on  
3 the Department and the appropriate Child Protective Service  
4 Unit. The hearing shall be conducted by the Director or his  
5 designee, who is hereby authorized and empowered to order the  
6 amendment or removal of the record to make it accurate and  
7 consistent with this Act. The decision shall be made, in  
8 writing, at the close of the hearing, or within 60 ~~45~~ days  
9 thereof, and shall state the reasons upon which it is based.  
10 Decisions of the Department under this Section are  
11 administrative decisions subject to judicial review under the  
12 Administrative Review Law.

13 Should the Department grant the request of the perpetrator  
14 ~~subject of the report~~ pursuant to this Section either on  
15 administrative review or after an administrative hearing to  
16 amend an indicated report to an unfounded report, the report  
17 shall be released and expunged in accordance with the standards  
18 set forth in Section 7.14 of this Act.

19 (Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

20 Section 99. Effective date. This Act takes effect January  
21 1, 2014."